Single Bench

(8)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 4283 /2004

PETITIONERS

1. Rajesh Gupta,
S/o. Shri L.B. Gupta,
Aged about 40 years,
Assistant Engineer,
P.H.E. Sub-Division, Mungeli,
District Bilaspur (C.G.).

2. P.S. Thakur,
S/o. Shri S.S. Thakur,
Aged about 53 years,
Assistant Engineer,
P.H.E. Sub-Divn. Gharghoda,
District Raigarh (C.G.).

P.R. No. 4298/04
Presented by Shri Rajpal Singh
dated 30-11-04

3. H.K. Chandaniha,
S/o. Shri S.B. Chandaniha,
Aged about 41 years,
Assistant Engineer, Presently
Working as Adhoc Executive
Engineer, P.H.E. Ground
Water Recharge Division,
Bilaspur (C.G.)

4. Atul Kumar Malvey,
S/o. Shri B.G. Malvey,
Aged about 39 years,
Assistant Engineer,
P.H.E. Project Cell, Durg (CG).

5. Sanjeev Kumar Brijpuriya,
S/o. Shri M.P. Brijpuriya,
Aged about 39 years,
Assistant Engineer,
P.H.E. Project, Sub-Division,
Bilaspur (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through its Secretary,
Public Health Engineering
Department, Mantralaya,
D.K.S. Bhawan, Raipur (C.G.)

2. Engineer-in-Chief,
Public Health Engineering
Department, Raipur (C.G)

3. Rakesh Puram,
Assistant Engineer,
Presently working as Incharge
Executive Engineer, P.H.E.
Division, Mahasamund (C.G.)

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4. Kailash Madhariya,
Assistant Engineer,
Presently working as Incharge
Executive Engineer, P.H.E.
Division, Raipur (C.G.)

5. Mahendra Kumar Mishra,
Assistant Engineer,
Presently working as Incharge
Executive Engineer, P.H.E.
Division, Korba (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, CERTIORARI AND FOR OTHER SUITABLE WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS.

XI-HC-22

(67)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 4283/04 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	27.6.2005 Petitioners by Shri Manindra Srivastava, Sr. Advocate with Shri Amit Verma, Advocate Respondents No. 1 and 2 by Shri G. K. Beriwal, Deputy Advocate General. Respondents No. 3 to 5 by Shri Sanjay K. Agarwal, Advocate. Heard. It is submitted by learned counsel for the petitioners that the petitioners are working as Assistant Engineers in the Public Health & Engineering Department. The respondents are not holding meeting of D.P.C. for promotion to the post of Executive Engineer. Rule 13 (2) of the Chhattisgarh Public Health Engineering (Gazetted) Service Rules, 1980 provides for holding Departmental Promotion Committee for the purpose of promotion to the next higher post regularly. Rule 13(2) reads "the Committee shall meet at intervals ordinarily not exceeding one year". The petitioners submit that after the year 1999 no meeting of the Departmental Promotion Committee has been held till-date for promotion to the post of Executive Engineers. It is further submitted by learned counsel for the petitioners that the respondents are posting the juniors in the cadre of the Assistant Engineers, to the post of Executive Engineers giving as current charge or additional charge	

(पीछे देखिये)

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 4283/04 **सन्** **200**

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

without holding proper departmental promotion committee meeting for promotion.

The State Government in Para -2 of its return filed in W.P.No. 4258/2004 (Abhishek Bajpai & others Vs. State of Chhattisgarh & 4 others) has stated as under:-

> "It is further submitted that the additional/current charge has been given to 3 Assistant Engineers in 3 different divisions of the Department purely on temporary basis by way of stop-gap-arrangement. It is further submitted that for holding the regular D.P.C. for promoting Assistant Engineer to the post of Executive Engineer has already been initiated and for this purpose Annual Confidential Reports (ACRs) of eligible candidates are being collected. In fact steps for regularization of ad-hoc Executive Engineers is also under consideration and simultaneously the D.P.C. would also be convened for the posts lying vacant as on 1st January 2005 along with expected vacancies available during the year 2005 due to promotions to higher posts and retirement. It is proposed to hold D.P.C. for vacant posts of Executive Engineers soon after the required formalities are observed. Hence it is submitted the Department is taking all possible steps to hold the D.P.C. so as to post the suitable officers in Division."

(पीछे देखिये)

XI-HC-22

(69)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... W.P. 4283/04 ..... **सन् 200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —3—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

In view of the above quoted submission made by the respondents/State in its return, this Court is of the opinion that at this juncture it is not necessary to go into the facts of posting of the juniors on the posts of Executive Engineers in current charges or additional charges, and this petition can be disposed of by issuing a direction to the respondents/State to hold meeting of D.P.C. within a period of two months from the date of receipt of the copy of this order with regard to the promotion from the posts of Assistant Engineers to the posts of Executive Engineers.

Accordingly, this petition is disposed of with the direction that the respondents/State shall hold the meeting of Departmental Promotion Committee, within a period of two months from the date of receipt of the copy of this order with regard to the promotion from the posts of Assistant Engineers to the posts of Executive Engineers, in accordance with law.

Consequently, M(W)P No. 4638/2004 and I.A. No. 9300/2004 stand disposed of.

Sd/-
Satish K. Agnihotri
Judge

(पीछे देखिये)

30.6.04
15.7.04
21/7/04